

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

PREAMBLE

1. Sections Affected

Rulemaking Action

R9-22-120	Repeal
R9-22-2001	Repeal
R9-22-2001	New Section
R9-22-2002	Amend
R9-22-2003	Amend
R9-22-2004	Amend
R9-22-2005	Amend
R9-22-2006	Amend
R9-22-2007	Amend
R9-22-2008	New Section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: ARS § 36-2903.01(F)

Implementing statute: ARS § 36-2901.05

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 12 A.A.R. (page #), August 4, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

As a result of reviewing the proposed rules, changes were found necessary to update the rule with the agency's current practice and to make the rule clearer.

- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

The changes proposed will have a minimal impact, since the changes represent current practice and do not affect or change processes of interested parties.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of July 31, 2006. Please send written comments to the above address by 12:00 p.m., September 18, 2006. E-mail comments will be accepted.

- 10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: September 18, 2006
Time: 10:00 a.m.
Location: AHCCCS
701 East Jefferson

	Phoenix, AZ 85034
Nature:	Public Hearing
Date:	September 18, 2006
Time:	10:00 a.m.
Location:	ALTCS: Arizona Long-Term Care System 110 South Church, Suite 1360 Tucson, AZ 85701
Nature:	Public Hearing
Date:	September 18, 2006
Time:	10:00 a.m.
Location:	ALTCS: Arizona Long-Term Care System 3480 East Route 66 Flagstaff, AZ 86004
Nature:	Public Hearing

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

R9-22-2004, 42 U.S.C. 300gg(c), January 5, 1999

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION
ARTICLE 1. DEFINITIONS

Section

R9-22-120. ~~Breast and Cervical Cancer Treatment Program Related Definitions~~ Repealed

ARTICLE 1. DEFINITIONS

R9-22-120. Breast and Cervical Cancer Treatment Program-Related Definitions Repealed

~~In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meaning unless the context explicitly requires another meaning:~~

~~"Cryotherapy" means the destruction of abnormal tissue using an extremely cold temperature.~~

~~"LEEP" means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.~~

~~"Peer-reviewed study" means that, prior to publication, a medical study has been subjected to the review of medical experts who:~~

~~Have expertise in the subject matter of the study,~~

~~Evaluate the science and methodology of the study,~~

~~Are selected by the editorial staff of the publication, and~~

~~Review the study without knowledge of the identity or qualifications of the author.~~

~~"WWHP" means the Well Women Healthcheck Program administered by the Arizona Department of Health Services.~~

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

Section

R9-22-2001. ~~General Requirements~~ Breast and Cervical Cancer Treatment Program Related Definitions

R9-22-2002. ~~Treatment~~ General Requirements

R9-22-2003. Eligibility Criteria

R9-22-2004. ~~Title XIX Application Process~~ Treatment for Purposes of Eligibility

R9-22-2005. ~~Approval, Denial, or Discontinuance of Eligibility~~ Title XIX Application Process

R9-22-2006. ~~Effective Date of Eligibility~~ Approval, Denial, or Discontinuance of Eligibility

R9-22-2007. ~~Redetermination of Eligibility~~ Effective and End Date of Eligibility

R9-22-2008. Redetermination of Eligibility

ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

R9-22-2001. ~~General Requirements~~ Breast and Cervical Cancer Treatment Program Related Definitions

- A. ~~Confidentiality. The Administration and ADHS shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.~~
- B. ~~Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12.~~
- C. ~~Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17.~~

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Chapter have the following meaning unless the context explicitly requires another meaning:

"AZ-NBCCEDP" means the Arizona programs of the National Breast and Cervical Cancer Early Detection Program. There are three programs under NBCCEDP in Arizona that provide breast and cervical cancer screening and diagnosis.

"Cryotherapy" means the destruction of abnormal tissue using an extremely cold temperature.

"LEEP" means the loop electrosurgical excision procedure that passes an electric current through a thin wire loop.

"Peer-reviewed study" means that, prior to publication, a medical study has been subjected to the review of medical experts who:

Have expertise in the subject matter of the study,

Evaluate the science and methodology of the study,

Are selected by the editorial staff of the publication, and

Review the study without knowledge of the identity or qualifications of the author.

"WWHP" means the Well Women Healthcheck Program administered by the Arizona Department of Health Services. The

WWHP is one of three programs within AZ-NBCCEDP that provide breast and cervical cancer screening and diagnosis.

R9-22-2002. ~~Treatment~~ General Requirements

- A. ~~Breast cancer. Treatment for breast cancer shall conclude 12 months after the last provider visit for specific treatment for the cancer or at the end of hormonal therapy for the cancer, whichever is later. Treatment includes any of the following:~~
 - 1. ~~Lumpectomy or surgical removal of breast cancer,~~
 - 2. ~~Chemotherapy,~~
 - 3. ~~Radiation therapy, or~~
 - 4. ~~A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer reviewed study published in a medical journal.~~

- ~~B. Pre-cancerous cervical lesion. Treatment for a pre-cancerous cervical lesion, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude four months after the last provider visit for specific treatment for the pre-cancerous lesion. Treatment includes any of the following:~~
- ~~1. Conization,~~
 - ~~2. LEEP,~~
 - ~~3. Cryotherapy, or~~
 - ~~4. A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.~~
- ~~C. Cervical cancer. Treatment for cervical cancer shall conclude 12 months after the last provider visit for specific treatment for the cancer. Treatment includes any of the following:~~
- ~~1. Surgery,~~
 - ~~2. Radiation therapy,~~
 - ~~3. Chemotherapy,~~
 - ~~4. A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.~~
- A. Confidentiality. The Administration and AZ-NBCCEDP shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17.
- D. A Native American woman on IHS or that receives services through a tribal health program may qualify for services provided under this program.
- E. A woman qualified under this program is required to pay co-pays as described in R9-22-711.

R9-22-2003. Eligibility Criteria

- ~~A. General. To be eligible for the Breast and Cervical Cancer Treatment Program under this Article, a woman shall meet the requirements of this Article and:~~
- ~~1. Be screened for breast and cervical cancer through the WWHP on or after April 1, 2001;~~
 - ~~2. Be less than 65 years of age;~~
 - ~~3. Be ineligible for Title XIX under Articles 14 and 15;~~

4. ~~Receive a positive screen under subsection (A)(1), a confirmed diagnosis by a WWHP physician, and need treatment for breast cancer, cervical cancer, or a pre-cancerous cervical lesion as specified in R9-22-2002;~~
 5. ~~Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act (42 United States Code, Section 300gg(c)), January 5, 1999, which is incorporated by reference and on file with the Administration and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments; and~~
 6. ~~Meet the requirements under R9-22-1416 through R9-22-1418.~~
- ~~B. Ineligible woman. A woman is ineligible for Breast and Cervical Cancer Treatment Program under this Article if the woman:~~
1. ~~Is an inmate of a public institution and federal financial participation (FFP) is not available,~~
 2. ~~Is age 21 through age 64 and resides in an Institution for Mental Disease as defined in R9-22-112, or~~
 3. ~~No longer meets an eligibility requirement under this Article.~~
- ~~C. Metastasized cancer. A woman's eligibility under this Article shall continue if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or presumed complication of the breast or cervical cancer.~~
- ~~D. Reoccurrence of cancer. A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the WWHP program and additional breast or cervical cancer is found.~~
- ~~E. Ineligible male. A male is precluded from receiving screening and diagnostic services under the WWHP program and is ineligible under this Article.~~
- A. General. To be eligible for the Breast and Cervical Cancer Treatment Program under this Article, a woman shall meet the requirements of this Article and:
1. Be screened for breast and cervical cancer through AZ-NBCCEDP;
 2. Be less than 65 years of age;
 3. Be ineligible for Title XIX under Articles 14 and 15;
 4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer, cervical cancer, or a pre-cancerous cervical lesion as specified in R9-22-2004;
 5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act (42 United States Code, Section 300gg(c)), January 5, 1999, incorporated by reference and on file with the Administration and available from the U.S. Government Printing Office, Mail Stop: IDCC, 732 N. Capitol Street, NW, Washington, DC, 20401. This incorporation by reference contains no future editions or amendments: For purposes of this program, IHS or Tribal health services are not considered creditable coverage as approved in the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and

6. Meet the requirements under R9-22-1417 through R9-22-1418.
- B. Ineligible woman. A woman is ineligible for Breast and Cervical Cancer Treatment Program under this Article if the woman:
1. Is an inmate of a public institution and federal financial participation (FFP) is not available.
 2. Is age 21 through age 64 and resides in an Institution for Mental Disease as defined in R9-22-112, or
 3. No longer meets an eligibility requirement under this Article.
- C. Metastasized cancer. A woman's eligibility under this Article shall continue if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or presumed complication of the breast or cervical cancer.
- D. Reoccurrence of cancer. A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast or cervical cancer is found.
- E. Ineligible male. A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

R9-22-2004. Title XIX Application Process Treatment for Purposes of Eligibility

- A. ~~Title XIX application. A woman may apply for eligibility under this Article by submitting a complete Title XIX application as specified in R9-22-1405.~~
- B. ~~Submitting the Title XIX application. The woman may complete and submit a Title XIX application at the time of the WWHP screening or mail the application directly to the Administration.~~
- C. ~~Date of application. The date of the Title XIX application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer, cervical cancer, or a pre-cancerous cervical lesion.~~
- D. ~~Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:~~
1. ~~Give complete and truthful information on the Title XIX application;~~
 2. ~~Comply with the requirements of this Article;~~
 3. ~~Provide medical insurance information including any changes in medical insurance; and~~
 4. ~~Inform the Administration about a change in address, residence, and alienage status.~~
- A. Breast cancer. Treatment for breast cancer shall conclude on the last provider visit for specific treatment for the cancer or at the end of hormonal therapy for the cancer, whichever is later. Treatment includes any of the following:
1. Lumpectomy or surgical removal of breast cancer.
 2. Chemotherapy.
 3. Radiation therapy, or

4. A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B. Pre-cancerous cervical lesion. Treatment for a pre-cancerous cervical lesion, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. Treatment includes any of the following:
1. Conization,
 2. LEEP,
 3. Cryotherapy, or
 4. A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C. Cervical cancer. Treatment for cervical cancer shall conclude on the last provider visit for the specific treatment for the cancer. Treatment includes any of the following:
1. Surgery,
 2. Radiation therapy,
 3. Chemotherapy,
 4. A treatment that, as determined by the AHCCCS Chief Medical Officer, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

R9-22-2005. Approval, Denial, or Discontinuance of Eligibility Title XIX Application Process

- A. ~~Eligibility determination. The Administration shall determine eligibility under this Article within seven days of receipt of a complete Title XIX application.~~
- B. ~~Approval. If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:~~
1. ~~The name of the eligible woman,~~
 2. ~~The effective date of eligibility, and~~
 3. ~~Information regarding the woman's appeal and request for hearing rights.~~
- C. ~~Denial. If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:~~
1. ~~The name of the ineligible woman,~~
 2. ~~The specific reason why the woman is ineligible,~~
 3. ~~The legal citations supporting the reason for the denial,~~

4. ~~The location where the woman can review the legal citations, and~~
5. ~~Information regarding the woman's appeal and request for hearing rights.~~

~~D. Discontinuance:~~

1. ~~Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman an advance Notice of Action no later than 10 days before the effective date of the discontinuance.~~
2. ~~The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:~~
 - a. ~~Receives a written statement from the woman voluntarily withdrawing from AHCCCS,~~
 - b. ~~Receives information confirming the death of the woman,~~
 - c. ~~Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or~~
 - d. ~~Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.~~
3. ~~The Notice of Action shall contain the:~~
 - a. ~~Name of the ineligible woman,~~
 - b. ~~Effective date of the discontinuance,~~
 - c. ~~Specific reason why the woman is discontinued,~~
 - d. ~~Legal citations supporting the reason for the discontinuance,~~
 - e. ~~Location where the woman can review the legal citations, and~~
 - f. ~~Information regarding the woman's appeal and request for hearing rights.~~

~~E. Request for hearing. A woman who is approved, denied or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Article 8.~~

A. Title XIX application. A woman may apply for eligibility under this Article by submitting a complete Title XIX application as specified in R9-22-1406.

B. Submitting the Title XIX application. The woman may complete and submit a Title XIX application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.

C. Date of application. The date of the Title XIX application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer, cervical cancer, or a pre-cancerous cervical lesion.

D. Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:

1. Provide medical insurance information including any changes in medical insurance; and

2. Inform the Administration about a change in address, residence, and alienage status.

R9-22-2006. Effective Date of Eligibility Approval, Denial, or Discontinuance of Eligibility

The effective date of eligibility is the later of:

1. The first day of the month of a Title XIX application;
2. The first day of the first month the woman meets all the eligibility requirements in this Article; or
3. January 1, 2002.

A. Eligibility determination. The Administration shall determine eligibility under this Article within seven days of receipt of a complete Title XIX application.

B. Approval. If a woman meets all the eligibility requirements in this Article, the Administration shall provide the woman with an approval notice. The approval notice shall contain:

1. The name of the eligible woman,
2. The effective date of eligibility, and
3. Information regarding the woman's appeal and request for hearing rights.

C. Denial. If the Administration denies eligibility, the Administration shall provide the woman with a denial notice. The denial notice shall contain:

1. The name of the ineligible woman,
2. The specific reason why the woman is ineligible,
3. The legal citations supporting the reason for the denial,
4. The location where the woman can review the legal citations, and
5. Information regarding the woman's appeal and request for hearing rights.

D. Discontinuance.

1. Except as specified in subsection (D)(2), if a woman no longer meets an eligibility requirement under this Article, the Administration shall provide the woman an advance Notice of Action no later than 10 days before the effective date of the discontinuance.
2. The Administration may mail the Notice of Action no later than the effective date of the discontinuance if the Administration:
 - a. Receives a written statement from the woman voluntarily withdrawing from AHCCCS,
 - b. Receives information confirming the death of the woman,
 - c. Receives returned mail with no forwarding address from the post office and the woman's whereabouts are unknown, or

- d. Receives information confirming that the woman has been approved for Title XIX services outside the state of Arizona.
- 3. The Notice of Action shall contain the:
 - a. Name of the ineligible woman.
 - b. Effective date of the discontinuance.
 - c. Specific reason why the woman is discontinued.
 - d. Legal citations supporting the reason for the discontinuance.
 - e. Location where the woman can review the legal citations, and
 - f. Information regarding the woman's appeal and request for hearing rights.
- E. Request for hearing. A woman who is approved, denied or discontinued for the Breast and Cervical Cancer Treatment Program may request a hearing under Chapter 34.

R9-22-2007. Redetermination of Eligibility Effective and End Date of Eligibility

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment Program, the Administration shall notify the woman of continued eligibility for another year. A woman is not required to be screened for breast and cervical cancer through the WWHP under R9-22-2003 at redetermination.
- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances, including a change in treatment under R9-22-2002, that may affect eligibility.
- A. The effective date of eligibility is the later of:
 - 1. The first day of the month of a Title XIX application; or
 - 2. The first day of the first month the woman meets all the eligibility requirements in this Article.
- B. The end date of eligibility concludes:
 - 1. For Breast cancer, 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer or at the end of hormonal therapy for the cancer, whichever is later.
 - 2. For Pre-cancerous cervical lesion, four months after the last provider visit for a treatment specified in R9-22-2004 for the pre-cancerous lesion.
 - 3. For Cervical cancer, 12 months after the last provider visit for a treatment specified in R9-22-2004 for the cancer.

R9-22-2008. Redetermination of Eligibility

- A. Redetermination. Except as provided in subsection (B), the Administration shall complete a redetermination of eligibility at least once a year. If a woman continues to meet the requirements of eligibility for the Breast and Cervical Cancer Treatment

Program, the Administration shall notify the woman of continued eligibility. A woman is not required to be screened for breast and cervical cancer through AZ-NBCCEDP at redetermination.

- B. Change in circumstance. The Administration shall complete a redetermination of eligibility if there is a change in the woman's circumstances, including a change in treatment that may affect eligibility.